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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 28 2011 ★

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WILLIAM JENNINGS,

Plaintiff,

LONG ISLAND OFFICE

-against-

HUNTINGTON CRESCENT CLUB,
KEVIN MCGUINNESS, TOM COLLINS,
JAMES FARRELL, PETER PASTORELLI,
Sr., KEVIN RYAN, AND JOHN
LABARCA,

Civ. No.: CV-11-5244(LDW)(ARL)

Defendants.
-----X

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

WHEREAS Plaintiff filed the Complaint in this action on October 27, 2011;

WHEREAS Plaintiff alleges purported violations of the Fair Labor Standards Act
("FLSA") and New York Labor Law;

IT HEREBY IS STIPULATED AND AGREED, by and between the undersigned
counsel for Plaintiff and Defendants, as follows:

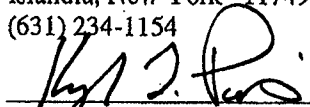
- (1) Plaintiff's claims based on federal law in the above-captioned litigation,
arising under the Fair Labor Standards Act or otherwise, are hereby
voluntarily dismissed in their entirety and without prejudice; and
- (2) Plaintiff's claims based on state law in the above-captioned litigation,
arising under New York State Labor Law or otherwise, are hereby
involuntarily dismissed in their entirety, based on lack of supplemental
jurisdiction, without prejudice to Plaintiff commencing a new action in

state court, pursuant to the authority of Section 205 of the Civil Practice

Law and Rules ("CPLR") of New York in commencing such action.

SCOTT MICHAEL MISHKIN, P.C.
ATTORNEYS FOR PLAINTIFF
One Suffolk Square, Suite 240
Islandia, New York 11749
(631) 234-1154

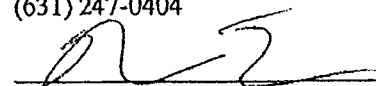
By:



Scott Michael Mishkin, Esq.
Kyle T. Pulis, Esq.

JACKSON LEWIS LLP
ATTORNEYS FOR DEFENDANTS
58 South Service Road, Suite 410
Melville, New York 11747
(631) 247-0404

By:



Marc S. Wenger, Esq.
Noel P. Tripp, Esq.

Dated:

Nov. 28, 2011

Dated:

Nov. 28, 2011

SO ORDERED on this 2nd day of Dec. 2011.

s/ Leonard D. Wexler

United States District Judge